United States Department of the Interior

NATIONAL PARK SERVICE
Kings Canyon National Park
Sequoia National Park
Three Rivers, California 93271-9700

IN REPLY REFER TO:

L30 MK

May 14, 1992

Law Office of Milton Manoukian, Esq.
Southwest Professional Center
439 West Plumb Lane
Reno, Nevada 89509

Re: James W. Whitney and Richard G. Whitney
Special Use Permit WRO-SEKI-2610-069

Dear Mr. Manoukian:

We are saddened to hear of the deaths of James W. Whitney and Richard G. Whitney. Please extend our condolences to Mrs. Voorhees.

In your letter of April 21 on this subject, you inquire "as to the procedural steps necessary to be taken in order to pass any interest in the above referenced Special Use Permit to their heirs or successors at law." The answer to this question is to be found in Public Law 95-625, which authorizes the National Park Service to issue special use permits for cabins in Mineral King. This law, which was enacted on November 10, 1978, authorizes the Secretary of the Interior to renew or extend permits then existing, but only in five year increments and only "to those persons who were lessees or permittees of record on the date of enactment of this Act...." These provisions are contained in Section 314 of the subject law and are codified in 16 USC 45f.

What this means is that the Service cannot renew or extend the permit in question beyond its current expiration date of December 31, 1995, and that the heirs and successors of the two Mr. Whitneys will have no rights on the site subsequent to that date.

In effect, there are two options:

1. The estates may wish to discontinue the permit and vacate the site; this could be done under the terms of the permit.

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2. The estates may continue to pay annual fees and thus keep the permit alive through the end of 1995.

Under either scenario, the Service will be unable to authorize use after December 31, 1995 because there will be no living permittee of record.

There is a single exception to this. If either Mr. Whitney had a legal spouse at the time of his death, this spouse would be entitled to an extension of the permit beyond 1995 under our interpretations of California's community property statutes.

If you have additional questions on these matters, or if we may be of further assistance, please do not hesitate to call upon us. Your contact person in this office will be Management Assistant Wm. Tweed; his telephone number of 209-565-3102.

Sincerely,

Scott M. Ruesch
Acting Superintendent

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